IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BAYER HEALTHCARE AG, ALCON, INC., and ALCON MANUFACURING, LTD.,	)	
Plaintiffs,	)	
v.	)	Civil Action No. 06-234 (SLR)
TEVA PHARMACEUTICALS USA, INC.,	)	
Defendant.	)	

NOTICE OF DEPOSITION
PURSUANT TO FED. R. CIV. P. 30(b)(6)

TO: Richard D. Kirk
The Bayard Firm
222 Delaware Avenue, Suite 900
P. O. Box 25130
Wilmington, DE 19899

Bruce M. Gagala, Esquire
Leydig, Voit & Mayer, Ltd.
Two Prudential Plaza
180 N. Stetson Avenue, Suite 4900
Chicago, IL 60601

PLEASE TAKE NOTICE that commencing at such time and place as may be agreed upon by the parties, Plaintiffs Bayer HealthCare AG, Alcon, Inc., and Alcon Manufacturing, Ltd. (collectively "Plaintiffs"), through their attorneys, will take the deposition of Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries, Ltd. (collectively "Teva"), pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure.

At the time of the deposition, Teva shall designate one or more of its directors, officers, managing agents, or other persons who will testify on behalf of Teva as to all information known or reasonably available to Teva regarding the subject matters set forth in Attachment A.

The deposition will take place upon oral examination before a notary public or other person authorized to administer oaths, will be recorded by stenographic and/or sound-and-

video means, and will continue from day to day until completed. You are invited to attend and participate.

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Dated: April 9, 2007

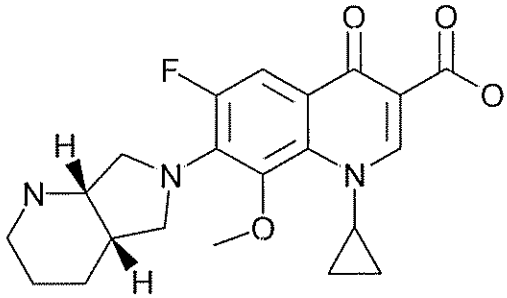
ATTACHMENT A

INSTRUCTIONS AND DEFINITIONS

1. As used herein, the terms "you," "your," "yours," "Teva," and "Teva's" mean jointly and severally defendant Teva Pharmaceuticals USA, Inc., its officers, directors, employees, divisions, parent companies (including, but not limited to Teva Pharmaceutical Industries Ltd.), subsidiaries, affiliates, predecessors or successors-in-interest, any joint venture to which it may be a party, consultants, agents, and accountants, including any person who served in any such capacity at any time.

2. As used herein, the term "Teva Pharmaceutical Industries Ltd." means jointly and severally Teva Pharmaceuticals Industries Ltd., its officers, directors, employees, divisions, predecessors or successors-in-interest, any joint venture to which it may be a party, consultants, agents, and accountants, including any person who served in any such capacity at any time.

3. Unless the topic requests otherwise, the term "moxifloxacin" as used herein shall mean the compound of the formula:



or any of its stereoisomers (including, but not limited to its enantiomer), or any salt form (including, but not limited to a hydrochloride) of the compound or any of its stereoisomers, or any solvate (including, but not limited to any hydrate) of any of the aforementioned, or any mixture of two or more of the aforementioned.

4. As used herein, the terms "and" as well as "or" shall be construed either disjunctively or conjunctively, and references shall be construed either as singular or plural, as necessary to bring within the scope of these topics any information that might otherwise be construed to be outside their scope.

5. As used herein, the term "all" shall be construed to mean all or any, and the term "any" shall be construed to mean all or any.

6. As used herein, "Teva's ANDA Products" shall be construed to include any product(s) that is the subject of Abbreviated New Drug Application ("ANDA") No. 77-437 and/or ANDA No. 78-073 as well as the active pharmaceutical ingredient drug substance(s) identified therein, including but not limited to a generic equivalent of Avelox®, a generic equivalent of Vigamox®, a tablet formulation of moxifloxacin, or an ophthalmic formulation of moxifloxacin.

7. As used herein, the term "including" means "including but not limited to" or "including without limitation."

8. As used herein, the term "communication" means any transmission of information from one person to another, including, without limitation, by personal meeting, telephone, facsimile, electronic transmission, including electronic mail, and teleconference.

9. As used herein, the term "FDA" means the United States Food and Drug Administration, including without limitation its employees, scientists, technicians, agents, examiners, and laboratories.

10. As used herein, the terms "person" and "entity" mean any natural person and any other cognizable entity, including, without limitation, corporations, proprietorships, partnerships,

joint ventures, businesses, consortiums, clubs, associations, foundations, governmental agencies or instrumentalities, societies, and orders.

11. The use of the singular form of any word includes the plural and vice versa, as necessary to bring within the scope of these topics any information or documents and things that might otherwise be construed to be outside their scope.

TOPICS

1. The decisions to develop Teva's ANDA Products and to file ANDA Nos. 77-437 and 78-073, including the process by which Teva identified moxifloxacin as a candidate for development as generic product(s), what information was considered in reaching those decisions, and which individual(s) and entities were involved in the decision-making processes;

2. ANDA Nos. 77-437 and 78-073 (including any amendment(s) thereto), any patent certification(s) in connection with ANDA Nos. 77-437 and 78-073 (including any amendment(s) thereto), the drafting, preparation, and filing of ANDA Nos. 77-437 and 78-073, and communications from and to the FDA regarding ANDA Nos. 77-437 and 78-073;

3. The formulation of Teva's ANDA Products and the development thereof;

4. The identity of any antibiotics other than moxifloxacin for which Teva has filed or contemplated filing an Abbreviated New Drug Application;

5. The bioequivalence, pharmaceutical equivalence, and therapeutic equivalence of Teva's ANDA Products;

6. The chemical structure and amounts of each substance in Teva's ANDA Products, including but not limited to any impurities or potential impurities as well as any experiments related to identifying such impurities; and

7. The enantiomeric purity of the moxifloxacin in Teva's ANDA Products, as well as any studies to assess said enantiomeric purity.

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2007, I caused to be served by hand delivery the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Richard D. Kirk
The Bayard Firm
222 Delaware Avenue, Suite 900
P. O. Box 25130
Wilmington, DE 19899

I hereby certify that on April 9, 2007, the foregoing document was sent via Federal Express and electronic mail to the following non-registered participants:

Bruce M. Gagala, Esquire
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